

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT
SOUTHERN DIVISION

MARIA MARGARIS,

Plaintiff,

USDC Case No: 2:21-CV-12068

Hon:

v.

WALMART STORES EAST, LP,
a foreign corporation,

Defendant.

Law Offices of Todd J. Stearn, P.C.
Todd J. Stearn (P51496)

Attorneys for Plaintiff

29829 Greenfield Road, Suite 101
Southfield, MI 48076

(248) 744-5000/(248) 744-5002 Fax
todd@tjlawfirm.com

Plunkett Cooney

Richard Szymczak (P29230)

Attorney for Defendant

38505 Woodward Avenue, Suite 100
Bloomfield Hills, MI 48304

(810) 342-7007/(248) 901-4040 Fax
rszymczak@plunkettcooney.com

NOTICE OF FILING REMOVAL

NOTICE OF REMOVAL TO FEDERAL COURT

VERIFICATION

CERTIFICATE OF SERVICE

Respectfully submitted,

PLUNKETT COONEY

By: /s/**Richard G. Szymczak**

Richard G. Szymczak (P29230)

Attorney for Defendant

38505 Woodward Avenue

Suite 100

Bloomfield Hills, MI 48304

(810) 342-7007

Dated: September 3, 2021

UNITED STATES DISTRICT COURT
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NOTICE OF FILING REMOVAL

TO:

Todd J. Stearn, Esq.
Law Offices of Todd J. Stearn, P.C.
29829 Greenfield Road – Suite 101
Southfield, MI 48076

Wayne County Circuit Court
Clerk of the Court
2 Woodward Avenue
Detroit, MI 48226

PLEASE TAKE NOTICE that this Defendant WALMART STORES EAST, LP,
has this day filed a Notice of Removal, a copy of which is attached hereto, in the

office of the Clerk of the United States District Court, Eastern District of Michigan, Southern Division.

PLUNKETT COONEY

By: /s/*Richard G. Szymczak*

Richard G. Szymczak (P29230)
Attorney for Defendant
38505 Woodward Ave., Ste. 100
Bloomfield Hills, MI 48304
(810) 342-7007

Dated: September 3, 2021

PROOF OF SERVICE

The undersigned certifies that on September 3, 2021, a copy of the foregoing document was served upon the attorney(s) of record in this matter at their stated business address as disclosed by the records herein via:

☐ Hand delivery
☒ U.S. Mail
☐ Email

☐ Overnight mail
☐ Facsimile
☒ Electronic e-file

I declare under the penalty of perjury that the foregoing statement is true to the best of my information, knowledge and belief.

/s/*Della Dubovsky*

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NOTICE OF REMOVAL TO FEDERAL COURT

TO: Clerk of the Court
Todd J. Stearn, Esq.

NOW COMES Defendant WALMART STORES EAST, LP, (“WM”)by and through its attorneys of record, PLUNKETT COONEY, and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, file this Notice of Removal based upon the following reasons:

1. On or about July 23, 2021, Plaintiff filed a civil action in the Wayne County Circuit Court, State of Michigan, bearing Case No. 21-008937-NO, in which Maria Margaris is the Plaintiff and WM is the Defendant. A copy of the Complaint filed in the Wayne County Circuit Court is attached to this Notice of Removal as **Exhibit A**.

2. This action, as alleged in the Complaint, is a suit brought by Plaintiff against WM for negligence and premises liability.

3. This action is between citizens of different states. The Plaintiff is a resident of the County of Wayne, State of Michigan (see Paragraph 1 of **Exhibit A**). WM is a Delaware limited partnership whose members are WSE Management, LLC and WSE Investment, LLC, both of which are Delaware limited liability companies based in Arkansas, also their domicile. The sole member of both WSE Management, LLC and WSE Investment, LLC is Walmart Stores East, LLC, which is an Arkansas limited liability company with its domicile and principal place of business in Bentonville, Arkansas. The sole member of Walmart Stores East, LLC is Walmart Inc., formerly Walmart Stores, Inc., a Delaware corporation with its principal place of business and domicile in Bentonville, Arkansas.

4. WM is not a corporation created or organized under the laws of the State of Michigan and does not have its principal place of business in the State of Michigan.

5. The action filed by Plaintiff against WM is one involving complete diversity of citizenship under 28 U.S.C. § 1332 as a civil action between citizens of the State of Michigan and the State of Arkansas.

6. WM asserts it is more likely than not that the amount in controversy sought by Plaintiff exceeds the jurisdictional requirements of 28 U.S.C. § 1332(a) because Plaintiff specifically alleges total damages “in excess of \$25,000.00”.

7. Plaintiff’s Complaint sets forth allegations that she sustained injuries, which injuries have caused Plaintiff pain, suffering, disability and mental anguish, complete rotator cuff tear requiring surgery, ongoing shoulder pain and such other injuries as are discovered throughout the course and scope of the case.

8. This Notice of Removal is timely filed within thirty (30) days after the Complaint was filed and served upon WM, as the Complaint was served on August 6, 2021.

9. A written notice of the filing of this Notice of Removal has been given to all parties as required by law, and a proof of service is attached hereto as **Exhibit B**.

10. A written notice of this Removal has been filed with the Clerk of the Court for the Wayne County Circuit Court, State of Michigan, as provided by law.

11. Based upon the foregoing, WM is entitled to removal of this action to the United States District Court for the Eastern District of Michigan, under 28 U.S.C. § 1441, *et seq.*

WHEREFORE, Defendant, WALMART STORES EAST, LP, respectfully requests that it be allowed to effect removal of the within action from the 3rd Circuit Court for the County of Wayne, State of Michigan, to the United States District Court for the Eastern District of Michigan.

Respectfully submitted,

PLUNKETT COONEY

By: /s/Richard G. Szymczak
Richard G. Szymczak (P29230)
Attorney for Defendant
38505 Woodward Ave., Ste. 100
Bloomfield Hills, MI 48304
(810) 342-7007

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VERIFICATION

RICHARD G SZYMCZAK, first being duly sworn, states that he is the attorney for Defendant and that the foregoing Notice of Removal is true in substance and in fact to the best of his knowledge, information, and belief.

Respectfully submitted,

PLUNKETT COONEY

By: /s/**Richard G. Szymczak**

Richard G. Szymczak (P29230)

Attorney for Defendant

38505 Woodward Ave., Ste. 100

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CERTIFICATE OF SERVICE

I hereby certify that on September 3, 2021, I electronically filed ***Defendant's Notice of Filing Removal, Notice of Removal to Federal Court, Verification, and Certificate of Service*** with the Clerk of the Court using the ECF system, or in the alternative, I have mailed by United States Postal Service to any parties that are not ECF participants.

Respectfully submitted,

PLUNKETT COONEY

By: /s/**Richard G. Szymczak**

Richard G. Szymczak (P29230)

Attorney for Defendant

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